



Citizen Police Advisory Review Board

Notes

The Citizen Police Advisory Review Board met on Tuesday, March 20, 2007 at 5:36 p.m. at the Downtown Library, Basement, 101 N. Stone, Tucson, Arizona.

1. Call to Order/Roll Call

Members Present:

Susan Thornton, Vice Chair
Ed Ware
Tom Clark
Evelyn Alvarez
Cindy Schiesel, Chair
Joaquin Murrieta
Michael Elsner

Representing:

Mayor
Ward 1
Ward 2
Ward 3
Ward 4
Ward 5
Ward 6

Advisory Members Present:

Jennifer Lopez
Daniel Knieter

Absent Advisory Members:

Joel Patterson

Ex-Officio Non-Voting Members Present:

Liana Perez, Equal Opportunity Employment, Independent Police Auditor
Captain Bob Shoun, Tucson Police Department
Lieutenant Rick Wilson, Tucson Police Department

Others Present:

Renee Sowards, Ward 4 Administrative Assistant
Kris Page-Iverson, City Attorney's Office
Officer Meredith Gierke, Tucson Police Department
Lieutenant Rick Hovden, Tucson Police Department
Officer Larry Lopez, Tucson Police Department
Officer Wendy Adkisson, Tucson Police Department
Sergeant Paul Sayre, Tucson Police Department
David Simpson, Atlanta Journal
Paul Lovelis, Guest
Beth Tidwell, Recording Secretary, City Clerk's Office

2. Approval of Notes of February 20, 2007

Motion by Michael Elsner, duly seconded, and carried by a voice vote of 7 to 0 to approve the minutes of February 20, 2007 with the addition of Kris Page-Iverson's, City Attorney's Office, memorandum as an attachment in reference to Item 13.

3. Call to the Audience

There was no one present.

4. Introduction of New Voting Board Member and New Advisory Board Member

Chair Schiesel informed the Board that Joaquin Murrieta was no longer an Advisory Board Member, but had been appointed as the representative for Ward 5 as a Board Member.

Mr. Patterson, the new Advisory Board Member, was not present for introductions.

5. Presentation by TPD on the Implementation of Megan's Law

Lieutenant Rick Hovden, Tucson Police Department, informed the Board that President Bill Clinton signed Megan's Law in 1996. He said the law required people who were convicted of sex crimes, whether they had served prison time or not, had to register with the Sheriff of the county they lived in. The Sheriff would then notify the jurisdiction they lived in. Lieutenant Hovden said they review a standard risk assessment that had been completed by the Department of Corrections or by the probation department. Lieutenant Hovden stated there was a scoring system. Based on the person's assessment they were placed in a category. The categories ranged from zero to three.

Lieutenant Rick Hovden said a zero score was a juvenile or someone who was convicted before Megan's Law went into effect. He said the scoring took into account whether a weapon was involved, was it a repeated offense, number of victims, the gender of the victim, forceful use, drug and alcohol abuse, mental awareness and so forth.

The Board asked if the City's role was only to post notifications.

Lieutenant Hovden responded that the Tucson Police Department handed out notifications and tracked offenders. He said the police did periodic random checks to make sure the person was still living where they said they were living.

Lieutenant Hovden pointed out when an offender lived in a house the Police Department gave out notifications within a three-mile radius. If they lived in an apartment building they were notified in the apartment building only, not the surrounding neighborhood.

Lieutenant Hovden explained the information on the notifications came from the State. They were not allowed to put more than what the State of Arizona instructed them to do.

6. Office of Independent Police Auditor

A. Outreach Report

Liana Perez, Independent Police Auditor, said they would be finalizing interviews for the open position in her office. She said they would be hiring someone who had experience with outreach programs and speaking to the community.

Ms. Perez said the film she had shown them was ready for the public. Currently they were working with kids to create the promotional pamphlets.

B. Monthly Contacts

There was no discussion.

7. Tucson Police Department

A. TPD Updates

There was no discussion.

B. Office of Internal Affairs

There was no discussion.

8. Random Review of TPD Investigations

1. Case #06-0608

The Board asked if the officer made the comment about sexuality and gender.

Lieutenant Wilson pointed out in the transcriptions there were discrepancies and the transcriber was not able to determine who said what. He said there were inconsistencies.

The Board asked what the witnesses said.

Lieutenant Wilson said they were homeless and no one could locate them.

Case #06-0608 was found to be a fair and thorough investigation by a voice vote of 7 to 0.

2. Case #06-0265

The Board asked if a follow up letter had been sent out in this case.

Lieutenant Wilson said yes. He explained a Division commander would leave phone messages and it was up to Internal Affairs to send a follow up letter explaining the results.

The Board asked what was the report referred to when it stated other documentary evidence.

Lieutenant Wilson replied it was referring to everything the Board had.

Tom Clark said initially the complainant was upset with the language the officer had used. He felt like it had been buried and not addressed. He was wondering if they had lost track of the whole episode.

Lieutenant Wilson said he agreed. He said it had been listed as an allegation and the chain of command had addressed it, but it was not listed as an allegation in the file.

The Board asked when the gentleman was aggressive towards the officer and the officer kept backing up, if that was usual behavior.

Lieutenant Wilson informed the Board in general training they have a force continuum that they work through. Things like threatening gestures can be justifiable for force by an officer. He said as an officer you did not have to get hit before you could take some sort of action. He said the officers had to pick and choose their battles. There were times when the prudent thing to do was to maintain your distance and not engage with the subject until you had back up. He said there was not a hard fast rule for that.

The Board asked what the charge was against Officer Angulo.

Lieutenant Wilson said the allegation against Officer Angulo would have been the language.

Motion by Tom Clark, duly seconded, to declare that the case had incomplete handling and missing thoughts.

Ed Ware asked if they Board did that type of motion could they say it was incomplete but not unfair.

Chair Schiesel said the motion would be, the case was incomplete based on the handling of the complaint.

Tom Clark said he felt it was unfair because the entire complaint was not there. The allegation made about the officers' language was missing and he felt it was unfair to the complaint.

Ed Ware said he was confused when he read the file. His thought was the initial complaint was the use of force. He then read during the interviews about the derogatory language. He said the arrest was in May and there were no interviews until July. He thought the derogatory language point did not come up until the interviews in July. He said if you looked at the cover sheet for Officer Farland only the use of force was listed as a complaint. The officers were not notified until the decision was made in November.

Mr. Ware said the officers were interviewed again in October. He believed the interview with Officer Angulo in July did not address the language. He said in October the Internal Affairs person asked them about the derogatory language. He informed the Board that because of the confusion he had a problem with the motion as it was.

Chair Schiesel clarified the motion made by Tom Clark to be that Case #06-0265 would be found unfair and incomplete due to the primary complaint missing documents, follow up letter and addressing the language.

Kris Page-Iverson, City Attorney's Office, suggested a roll call vote.

Upon roll call, the results were:

Aye: Tom Clark, Evelyn Alvarez and Michael Elsner

Nay: Chair Schiesel, Vice Chair Thornton, Joaquin Murrieta and Ed Ware.

The motion failed by a roll call vote of 3 to 4.

Motion by Ed Ware, duly seconded, to find Case #06-0629 to be incomplete, specifically the documentation of complaint.

Upon roll call, the results were:

Aye: Chair Schiesel, Vice Chair Thornton, Tom Clark, Evelyn Alvarez, Michael Elsner, Joaquin Murrieta, and Ed Ware

Nay: None

Case #06-0265, was found to be incomplete, specifically incomplete documentation of the complaint by a roll call vote of 7 to 0.

3. Case #06-0629

The Board asked why the officer did not move away from the area where he was conducting his investigation when the neighbor asked him to.

Captain Shoun said the officer had been counseled about moving his interview and how to handle things better in the future.

The Board had a concern about the narrative when it stated the Lieutenant was unable to speak with the complainant and the allegation of rudeness would be sustained.

Tom Clark asked why the complainant had talked to Internal Affairs and that was not sufficient. He did not understand why the officers would have to track down people that had long since moved away.

Captain Shoun explained in the initial complaint the sergeant spoke to the officers about their version. He was unable to speak to anyone else.

Captain Shoun explained "not sustained" meant, "we don't know." He said there could not be a determination.

Lieutenant Wilson informed the Board that with these type of complaints they wanted the first line supervisors to look into them. A complaint about rudeness should be considered in a performance appraisal.

Case #06-0629 was found to be a fair and thorough investigation by a voice vote of 7 to 0.

4. Case #06-0673

The Board stated the mother was upset because the police officers said they would only speak to her son and not to her. The mother was upset because the flyer informing residents that her son was a sex offender was being circulated in the apartment complex.

Lieutenant Wilson informed the Board that the police officers would respond to Mr. Henry, but could not respond to his mother because he was an adult.

Lieutenant Wilson said the lady was upset because the officers were placing flyers on doors and when she asked why she did not get one, the response was they did not put flyers on the sex offender's doors. The lady mentioned she was not the sex offender and the officers handed her a flyer.

The Board asked about the complaint the woman made about incorrect dates on the flyers.

Liana Perez, Independent Police Auditor, said the date on the flyer was from a court record. The woman implied it was wrong by about six days. Ms. Perez said if it was wrong, the sex offender needed to contact the courts.

Case #06-0673 was found to be a fair and thorough investigation by a voice vote of 7 to 0.

9. **Recess**

By consensus, the Board decided to forego a recess.

10. **Review of Citizen Comments submitted to Mayor and Council in reference to TPD during the past month**

The Board asked in general when there was a statement that said "no action" could they assume it was sent to someone else to follow up on the comment.

Officer Meredith Gierke, Tucson Police Department, said when the reply was "no action" it was because it came in at the end of the month and on occasions she was unable to respond or expedite them. She said it did not mean they were not handled, it meant they were not handled by the time the document was generated for the month. She informed the Board she would be happy to answer any of their questions.

Michael Elsner asked about information being whited out on number eleven. He said he did not understand why they whited out the name of the neighborhood.

Ms. Gierke declared she was only following directions. She mentioned she could ask their legal advisor who might have to consult with a City Attorney.

Mr. Elsner said if the neighborhood in question did not have a neighborhood watch, the police could suggest they create one.

Ms. Gierke agreed and said as a result from some of the comments, neighborhood watches were implemented.

11. Discussion Pertaining to Moving the Call to the Audience to the End of the Meeting

Motion by Vice Chair Susan Thornton, duly seconded, to retain Call to the Audience at the beginning of meetings.

Chair Schiesel asked if there was a discussion.

Vice Chair Susan Thornton reminded the Board there was a time limit in the room. If the Call to the Audience were held at the end of the meeting there was a potential that people would be cut off.

Tom Clark felt the audience should be able to respond in the beginning and at the end of the meeting. He said they should retain the initial call and install another Call to the Audience to wrap up.

Tom Clark said the Open Meeting Law allowed citizens to interact during the meeting as long as they stayed on track with the agenda.

Kris-Page Iverson, City Attorney's Office, said it was up to the discretion of the Chair to allow citizens to comment at any given time. She said members could not respond to comments made during Call to the Audience except when criticisms of an individual were made or when an item was on an agenda. She reinforced the importance of the Board sticking to the agenda item and not straying from it. According to the Citizen Police Advisory Review Board rules and regulations the Chairperson does not have to allow the audience to interact unless an item has been listed as a public hearing.

Michael Elsner said the Speedway demonstrators were very frustrated that the Board did not have dialogue with them.

Ed Ware said he had researched this and most of the other City Boards did their Call to the Audience towards the end of the meeting. He suggested the second Call to the Audience be held before the future agenda items.

Substitute motion by Tom Clark, duly seconded, to add a Call to the Audience prior to the future agenda items passed by a voice vote of 7 to 0.

12. Report from the Chair/Announcements

Chair Schiesel mentioned to the Board that they would discuss the letter they had received from Chief Miranda at next month's meeting.

13. Election of New Chairperson and Vice-Chairperson

Vice Chair Thornton nominated Cynthia Schiesel to retain the position of Chairperson.

Michael Elsner nominated Tom Clark for Chairperson.

Chair Schiesel stated she thought the Chairperson should be as fair as possible.

Tom Clark said he agreed and there should be a forum for open discussion.

Susan Thornton said she had continuous support for Chair Schiesel because she had a good working relationship with the Police Department and maintained order. She said in regards to the Speedway Recruitment office demonstrations she said the Board got caught up in some Freedom of Speech issues and strayed from their purpose. She said there were mechanisms that could be altered and Chair Schiesel had tried to keep everyone on track.

Michael Elsner said he believed Mr. Clark had leadership skills. He said he personally did not agree with the choices Chair Schiesel made and did not agree with the scope of things. He said Mr. Clark would be a breath of fresh air.

A roll call vote for Chair Schiesel to serve another term as Chair was called.

Upon roll call, the results were:

Aye: Chair Schiesel, Vice Chair Thornton, Evelyn Alvarez, and Joaquin Murrieta

Nay: Michael Elsner, and Ed Ware

Abstain: Tom Clark

Chair Schiesel won the election of Chair by a roll call vote of 4 to 2.

A roll call vote for Susan Thornton to serve another term as Vice Chair was called.

Upon roll call, the results were:

Aye: Chair Schiesel, Vice Chair Thornton, Evelyn Alvarez, Joaquin Murrieta, Michael Elsner, Ed Ware, and Tom Clark

Nay: None.

Susan Thornton won the election of Vice Chair by a roll call vote of 7 to 0.

14. Future Agenda Items

Chair Schiesel said they would discuss the letter from Chief Miranda.

Chair Schiesel asked for an open discussion with Board members as to what direction the Board should pursue and maybe they should go to the Mayor and Council as a whole.

Susan Thornton suggested the Board should discuss the Education Training Day.

Kris Page-Iverson suggested the Board look into discussing items early on, so if there were a question about policy and procedures it could be addressed and the Board would be clearer on the scope they had to work in.

15. Adjournment – 7:30